

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Hector Tellez-Hernandez
A202 085 232

YOB:

PRINCIPAL
1996United States
District Court
Southern District of Texas
FILEDCase Number:
M-15-0322 -M

FEB 28 2015

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 27, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Esau Alfredo Campos-Osegueda, citizen and national of El Salvador and Ofelia Santibanez-Zamora, citizen and national of Mexico and twenty-two (22) other undocumented aliens for a total of twenty-four (24), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Alamo, Texas to the point of arrest near Pharr, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 27, 2015, at approximately 04:49 a.m., Border Patrol Agent Garcia responded to a sensor activated south of Alamo, Texas. Agent Garcia positioned himself to see across the open farm field where farm workers were harvesting crops west of his location. At approximately 7:20 a.m., Agent Garcia noticed a grey Ford F-250 pull away from the vehicles traveling westbound along the canal. Agent Garcia advised other agents in the area of the grey F-250 traveling west and had come to a stop. At that point, Agent Garcia observed multiple subjects load into the pick-up.

Agent Garcia attempted an interdiction but was unable to as the pick-up drove off the road bypassing his unit. The truck then turned west onto Military Highway 281 where BPA Alaniz attempted to stop the vehicle. The Ford F-250 failed to yield and continued westbound on Military Highway 281. At the intersection of Stewart Road and Military Highway 281, Texas Department of Public Safety (DPS) State Troopers engaged the pick-up in a pursuit.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 28, 2015
DateJeremiah J. Abrego Senior Patrol Agent
Printed Name of Complainantat McAllen, Texas
City and StateDorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0322 -M

RE: Hector Tellez-Hernandez

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CONTINUATION:

The suspect vehicle turned east on to Dicker Road until reaching the intersection of I Road where it turned north. The vehicle continued northbound on I Road where DPS successfully deployed a controlled tire deflation device in front of PSJA High School. The vehicle continued north bound until it came to a stop at the intersection of Juarez Street and I Road where multiple passengers bailed out. DPS Trooper Ernesto Olivarez, arrested the driver as he exited the vehicle with both hands up in the air. The driver Hector Tellez-Hernandez and 24 undocumented aliens were apprehended at the scene. All subjects were transported to the Weslaco Border Patrol Station for further processing.

Hector TELLEZ-Hernandez Jr. Sworn Statement:

Hector Tellez-Hernandez Jr. was read his Miranda rights, acknowledged understanding his rights, waived his rights to legal representation and answered all questions.

Hector Tellez-Hernandez Jr., a United States Citizen, stated at around 4:00 a.m. he travel to Las Milpas and began scouting for law enforcement. He stated that a DPS Trooper started following him but he stopped and blended in with field workers. Tellez stated that after an hour he called the brush guides to instruct them to have the undocumented aliens load into the grey F-250. Tellez stated 24 people loaded into the truck, at which time he began travelling north on a field road. Soon after, he noticed a Border Patrol vehicle heading towards his truck and then he sped up in an attempt to get away. Tellez stated that he almost rolled the vehicle over due to poor traction coupled by the speed he was going, about seventy miles an hour. Tellez stated that when he turned west on Military Highway a trooper tried to block him, and he swerved around the trooper almost colliding with the trooper's vehicle. Tellez stated that he continued driving for several minutes while several troopers pursued him. Tellez stated that he drove speeds in excess of 90 miles per hour on several occasions during the pursuit. At one point of the pursuit, Tellez stated that he saw DPS Troopers deploy spikes on both sides of the road in his path of travel. He tried to go around the spikes, but then he spotted a Trooper in front of him. Tellez then veered away from the Trooper which caused his two left tires to strike the controlled tire deflation device. Once Tellez knew he could go no further he stated that he stopped and stepped out of the truck with his hands in the air, surrendering to Troopers.

Tellez stated that he works for Enrique Pena, "El Padrino", and he receives \$1,500 dollars for each load of undocumented aliens he successfully transports. Tellez only communicates with Pena via telephone, and he has worked with him on sixteen previous occasions. In all of these occasions, Tellez stated that he has only been apprehended in this event and on one other occasion. The loads usually contained between twenty two to thirty two people in each load. Tellez stated that he didn't stop for DPS Troopers or Border Patrol Agents because he wanted to get away. Tellez stated that he feared for his life while he was chased by the Troopers, but stated that he just did not want to get caught.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 0322-M

RE: Hector Tellez-Hernandez

A202 085 232

NOTE:

After the grey Ford-250 that Tellez was driving returned as positive stolen out of Edinburg, Texas. Edinburg Police Department took custody of the vehicle.

Material Witness Statements:

Material witnesses were advised and understood their Miranda Rights and also were willing to provide a sworn statement without the presence of an attorney.

Material Witness Statement #1

Esau Alfredo Campos-Osegueda, a citizen of El Salvador, stated after crossing into the United States the group walked around for two hours through brush until the group arrived to a lay-up spot. Campos-Osegueda said the group waited for about 30 min until a vehicle arrived. The guides told him and the rest of the group to jump into the truck. He continued by stating that the driver drove slowly at first, but accelerated rapidly a short time later. He said there was around 18 subjects in the truck and that it was unsafe for all of the occupants to be in the truck, with no seat belts or seats. The only seat was the driver's seat. Campos-Osegueda said the driver was speeding to get away from law enforcement, and he was afraid. He and other passengers tried to tell the driver to stop, but the driver did not listen. Campos-Osegueda said the vehicle came to a stop in a ditch and the driver was apprehended. Campos-Osegueda positively identified Hector Tellez-Hernandez Jr. as the driver of the vehicle through photo line-up.

Material Witness Statement #2

Ofelia Santibanez-Zamora, a citizen and national of Mexico, stated that after crossing into the United States she hid in the brush with other subjects until daylight then loaded into a pick-up truck. The guides then told her and the rest of the group to get into the truck. She stated the guides stayed behind in the brush and did not get into the truck. Santibanez-Zamora said the driver accelerated at a high rate of speed while he was talking on the phone. She stated that there was about 24 people in the truck, and there were no seat belts or seats where she was at inside of the truck. The only seat was the driver seat. She believes the driver was speeding because he was being chased by law enforcement.